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December 30, 2008

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Roxanne Giedd
Deputy Attorney General
1302 E. Highway 14, Suite 1
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Re: *In the Matter of the Prevention of Significant Deterioration (PSD) Air
Quality Permit Application of Hyperion Energy Center-Hyperion Refining LLC*

Dear Counsel:

Find enclosed a copy of Order for Contested Case Hearing and Scheduling Order in the above-entitled matter. This is intended as service by mail upon you.

Sincerely,

A handwritten signature in cursive script that reads "Charlie McGuigan".

Charles D. McGuigan
Chief Deputy Attorney General

CDM/dh

Enclosure

cc/enc Lee McCahren

Brenda Binegar ✓

**STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
BOARD OF MINERALS AND ENVIRONMENT**

IN THE MATTER OF THE PREVENTION OF
SIGNIFICANT DETERIORATION (PSD) AIR
QUALITY PERMIT APPLICATION OF
HYPERION ENERGY CENTER – HYPERION
REFINING LLC

) Permit #28.0701-PSD
) ~~REDACTED~~ ORDER FOR CONTESTED
) CASE HEARING AND SCHEDULING
ORDER

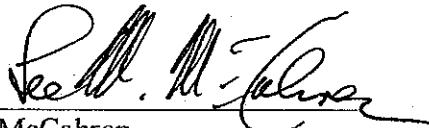
This matter came to the attention of the Hearing Chair pursuant to a motion of Hyperion Refining, LLC ("Hyperion"), the applicant for Prevention of Significant Deterioration Air Quality Preconstruction Permit No. 28.0701-PSD, to establish a Pre-hearing and Hearing scheduling order in this matter. Based on a review of the record, and a conference of the Hearing Chair, parties, and interested persons who requested leave to participate, it is hereby ORDERED as follows:

1. The parties shall adhere to the following schedule, which shall not be modified except by leave of the Hearing Chairman for good cause shown:

DATE	EVENT/ACTION
November 20, 2008	Written Discovery may begin on this date and end on March 19 th , 2009.
January 21 st , 2009	Depositions may begin on this date and end on March 19 th , 2009.
March 19 th , 2009	Discovery Deadline
April 1st, 2009	Motion Deadline & Prehearing conference
May 19, 2009 - May 22, 2009	Reserved for Hearings
June 23, 2009 - June 26, 2009	Reserved for Hearings

2. The Board will also schedule a time in or around April 16, 2009, for a possible site visit to the proposed Hyperion location, and for a Public Comment Hearing near that location.

Dated this 22nd day of December 2009.

By: 
Lee M. McCahren
Hearing Chair
Board of Minerals and Environment

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the ORDER FOR
CONTESTED CASE HEARING AND SCHEDULING ORDER in the above entitled
matter was served first class U.S. Postal Service Mail upon:

Todd Meierhenry
Meierhenry & Sargent LLP
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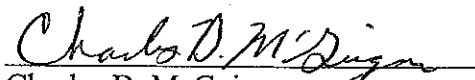
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and by hand delivery upon:

Roxanne Giedd
Deputy Attorney General
Attorney General's Office
1302 East Highway 14, Suite 1
Pierre, SD 57501
Counsel for Department of Environment and Natural Resources

Dated this 30th day of December, 2008.



Charles D. McGuigan

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